



**CITY OF LIGHTHOUSE POINT, FLORIDA**  
**REGULAR CITY COMMISSION MEETING MINUTES**  
**July 12, 2016 – 6:30 P.M.**

The City Commission meeting was held in Fletcher Hall located at 2200 N.E. 38 Street, Lighthouse Point, Florida 33064.

**Invocation**

Invocation was given by Mayor Glenn Troast

**Call to Order**

Commission President Van Buskirk called the regular City Commission meeting for the City of Lighthouse Point, Florida, to order at 6:30 p.m.

**Pledge to the Flag**

**Roll Call**

Mayor Glenn Troast	City Clerk Jennifer M. Oh
Commission President Kyle Van Buskirk	Finance Director Frank DiPaolo
Commission Vice President Sandy Johnson	Fire Chief David Donzella
Commissioner Jason D. Joffe	Library Director Christy Keyes
Commissioner Michael S. Long	Police Lt. Jack Vaccaro
Commissioner Earl Maucker	Public Works Director Charles Schramm
City Administrator John D. Lavisky	Recreation Director Becky Lysengen
City Attorney Michael D. Cirullo, Jr.	

**Approval of Minutes**

A **motion** to approve the City Commission Minutes of the Budget Workshop of June 28, 2016 was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:  
Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

Mayor Troast requested a minor amendment be made to the Minutes of the Regular Meeting of June 28, 2016 on page two, second paragraph. Alex Socia also spoke in favor of the sidewalk on Lighthouse Drive.

A **motion** to approve the City Commission Minutes of the Regular Meeting of June 28, 2016 as amended, was made by Commissioner Joffe, seconded by Commissioner Long, and CARRIED 5:0 as follows:

Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

## **Treasurer's Report**

City Administrator Lavisky read the Treasurer's Report for the period ending July 12, 2016.

## **Public Comments and Requests Regarding Agenda Items Reports of City Administration**

City Administrator Lavisky provided an update on the removal of the tree located on Sample Road. Broward County will issue a permit to remove the tree. Approximately 50% of the tree is located on private property. Broward County will require a letter of permission to remove the tree from the homeowner at 2601 NE 36 Street. The fees involved are as follows: tree removal permit \$250; mitigation of twelve trees at \$350 to \$400 (planted) per tree, for a total of approximately \$5,000 for permitting and mitigation. Two bids have been received to remove the tree, 1) \$16,000 and 2) \$25,000 – this company would require a barge at an additional cost of \$10,000. The restoration estimate is \$5,000. City Engineer Cary Winningham estimates \$10,000 to \$15,000 for repairs to the seawall. If damage is done to the seawall by removal of the tree, the estimate could go up to \$40,000. In summary, the total cost to remove the tree is between \$40,000 and \$60,000, depending on the damage to the seawall due to the removal. The Public Works Director contacted the homeowner, and she is not willing to remove the tree. Two arborists have visited the tree in the past two weeks. The tree has some damage due to internal rotting and pests. The arborists believe it is unlikely the tree would uproot during a storm, although limbs could break off.

Mayor Troast is extremely conflicted about removing the tree, as it is located in a primary access area. He had directed Public Works Director Schramm to move forward with obtaining a permit to remove the tree, however, it has now come to his attention that the homeowner does not want to remove the tree.

City Engineer Cary Winningham has visited the site several times. He says the seawall is in good shape; however, removing the tree could damage the wall. He believes that in the event of a storm, the tree would still be there. The roots go out under the road, and as far out as the branches. His opinion is to remove the tree when we repair the bridge, and the seawall would also be replaced at that time as well.

City Administrator Lavisky stated that the City is working on an RFP for the repair of six bridges. When the project is awarded, the contractor will be asked to do some invasive work on the bridge. Then, FDOT will inspect the bridge to determine if there is internal damage. The City may be eligible for Federal funding to replace the bridge based on the inspection results.

Fire Chief Donzella spoke about emergency access to the Lake Placid area in the event of significant damage to the bridge. The City does have a plan to contact a company in Fort Lauderdale to install a temporary bridge in the event of a major disaster.

Commissioner Long is concerned about what the risk actually is and whether or not the tree needs to be removed.

Consensus of the City Commission was to move forward for removal of the tree by approaching the homeowner, determining legal impacts, if any, and bringing the item back to the City Commission for final determination in August. Commissioner Maucker has agreed to contact the homeowner to further discuss removal of the tree.

## Department Reports

Public Works Director Schramm provided an update on the Broward County Water & Wastewater Services Sanitary Sewer Construction & Rehabilitation Project.

## Reports of City Attorney

## Reports of Standing Committees

**Boards: Next Meetings:**

- Planning & Zoning – August 2, 2016
- Code Enforcement – September 20, 2016
- Community Appearance – July 21, 2016
- Special Magistrate – July 12, 2016
- Marine Advisory – November 3, 2016

**Unfinished Business:** None

## New Business:

1. Change order payment request submitted by Man-Con Construction, Inc. for the Marina Stormwater Improvement Project.

A **motion** to approve the change order request submitted by Man-Con, Inc. in the amount of \$92,339.04 from the Stormwater Fund, was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:

Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

## Ordinances:

2. Second reading and public hearing of an ordinance to implement regulations governing wireless facilities. Advertised in the Sun Sentinel on July 3, 2016

City Attorney Cirullo stated that Victor Beninate of AT&T contacted his office and also spoke with Zoning Administrator Mariluz Maldonado for further clarification on Section 20-38. Mr. Beninate provided his comments in advance (on July 7<sup>th</sup>) and copies have also been provided this evening.

Commissioner Long stated that he spoke with Mr. Beninate and did file a disclosure of the conversation.

A **motion** to read the title of the ordinance was made by Commissioner Long, seconded by Commissioner Johnson, and CARRIED unanimously. City Attorney Cirullo read the title of the ordinance.

The public hearing was opened.

Victor Beninate of AT&T addressed the City Commission. He requested modifications to Section 20-38 (b)(4). AT&T would prefer cabinets to be placed on the pole; and AT&T would like to add a provision for emergency replacement (like for like or similar in size replacement.)

Zoning Administrator Mariluz Maldonado stated that she was not aware of any language changes providing for emergency provisions from other cities that would allow replacement without any confirmation that the same exact structure is being replaced.

City Attorney Cirullo clarified that a like for like replacement could be approved administratively; however, any significant changes would go to the Planning and Zoning Board.

Consensus of the City Commission was that in the event of an emergency, the replacement would still be required to be approved administratively.

Lengthy discussion ensued about aesthetics and whether placement of the equipment should be permitted on the pole or next to the pole.

No one else having come forward, the public hearing was then closed.

A proposed amendment was made to change the verbiage on page 8 Section 20-38, (b) (4) by adding a new sentence at the end of the paragraph that shall read as follows:

“Any deviation, not to exceed six inches (6”) above ground level, shall be subject to approval by the Planning and Zoning Board.”

A **motion** to approve the amendment as stated was made by Commissioner Maucker, seconded by Commissioner Johnson.

Further discussion ensued.

A proposed amendment was made to change the verbiage on page 8 Section 20-38, (b) (4) by adding a new sentence at the end of the paragraph, which shall read as follows:

“Any deviation from the requirement that the box or cabinet housing the equipment connected to an antenna be placed on the ground, not to exceed six inches (6”) above the ground, shall be subject to the approval of the Planning and Zoning Board.”

A **motion** to approve the ordinance to implement regulations governing wireless facilities as amended on second and final reading was made by Commissioner Maucker, seconded by Commissioner Long, and CARRIED 5:0 on a roll call vote as follows:

Yes: Commissioners Maucker, Long, Johnson, Joffe, and Van Buskirk

The ordinance on second and final reading carries the following title:

**ORDINANCE NO. 2016 - 0941**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA; AMENDING CHAPTER 20, "COMMUNICATIONS", ARTICLE II, "COMMUNICATIONS RIGHTS-OF-WAY", OF THE CODE OF ORDINANCES OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, TO PROVIDE FOR REGULATION OF PERSONAL WIRELESS SERVICE FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

**Resolutions:**

3. Resolution adopting "Proposed" Millage Rates for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017, and establishing the date, time, and place of the first Budget Public Hearing.

A **motion** to read the title of the resolution was made by Commissioner Long, seconded by Commissioner Joffe, and CARRIED unanimously. City Attorney Cirullo read the title of the resolution.

A **motion** to approve the resolution adopting "Proposed" Millage Rates for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017, and establishing the date, time, and place of the first Budget Hearing, was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:

Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

The resolution as adopted carries the following title:

**RESOLUTION NO. 2016 - 2082**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ADOPTING A PROPOSED MILLAGE RATE OF 3.5893 FOR GENERAL OPERATING FUND PURPOSES AND A PROPOSED MILLAGE RATE OF 0.1999 FOR DEBT SERVICE FUND PURPOSES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; SETTING FORTH THE DATE, TIME AND PLACE OF THE FIRST PUBLIC HEARING TO CONSIDER THE PROPOSED MILLAGE RATES FOR GENERAL FUND AND DEBT SERVICE FUND PURPOSES, AND THE TENTATIVE BUDGET; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

4. Preliminary resolution establishing estimated non-ad valorem assessment rate for Fire Protection Services for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017.

A **motion** to read the title of the resolution was made by Commissioner Joffe, seconded by Commissioner Long, and CARRIED unanimously. City Attorney Cirullo read the title of the resolution.

A **motion** to approve the preliminary resolution establishing non-ad valorem assessment rate for Fire Protection Services for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017, was made by Commissioner Johnson, seconded by Commissioner Long, and CARRIED 5:0 as follows:

Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

The resolution as adopted carries the following title:

**RESOLUTION NO. 2016 – 2083**

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LIGHTHOUSE POINT, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE PROTECTION SPECIAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

5. Preliminary resolution establishing estimated non-ad valorem assessment rate for Stormwater Utility Services for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017.

A **motion** to read the title of the resolution was made by Commissioner Johnson, seconded by Commissioner Long, and CARRIED unanimously. City Attorney Cirullo read the title of the resolution.

A **motion** to approve the preliminary resolution establishing non-ad valorem assessment rate for Stormwater Utility Services for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017, was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:

Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

The resolution as adopted carries the following title:

**RESOLUTION NO. 2016 – 2084**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT PROVIDED BY THE CITY'S STORMWATER UTILITY; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING THE METHOD OF ASSESSING THE COST OF STORMWATER MANAGEMENT SERVICE AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; DIRECTING THE CITY ADMINISTRATOR TO PREPARE OR DIRECT THE PREPARATION OF A PRELIMINARY STORMWATER ASSESSMENT ROLL FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED STORMWATER ASSESSMENTS AND DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

6. Preliminary resolution establishing estimated non-ad valorem assessment rate for Solid Waste Collection Services for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017.

A **motion** to read the title of the resolution was made by Commissioner Johnson, seconded by Commissioner Long, and CARRIED unanimously. City Attorney Cirullo read the title of the resolution.

A **motion** to approve the preliminary resolution establishing non-ad valorem assessment rate for Solid Waste Collection Services for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017, was made by Commissioner Joffe, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:

Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

The resolution as adopted carries the following title:

**RESOLUTION NO. 2016 – 2085**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS IN THE CITY OF LIGHTHOUSE POINT, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

7. Resolution approving an Agreement with Gregory B. Moussette as Tennis Director.

A **motion** to read the title of the resolution was made by Commissioner Joffe, seconded by Commissioner Long, and CARRIED unanimously. City Attorney Cirullo read the title of the resolution.

A **motion** to approve the resolution approving an Agreement with Gregory B. Moussette as Tennis Director, was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:

Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

The resolution as adopted carries the following title:

**RESOLUTION NO. 2016 – 2086**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, APPROVING AN AGREEMENT WITH GREGORY B. MOUSSETTE AS TENNIS DIRECTOR FOR CONTINUED EMPLOYMENT AS TENNIS DIRECTOR FOR THE CITY OF LIGHTHOUSE POINT, AUTHORIZING EXECUTION THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comments and Requests from the Floor:** None

**Communications:**

Mayor Troast recognized the Police and Fire Departments and thanked them for their service. He says that everything they do is for our residents, and hats off to all of them.

Mayor Troast reported that the Lighthouse Point Heroes Memorial at Frank McDonough Park has received \$50,000 in fundraising. The goal is \$85,000 to \$90,000 by the end of July through the fundraising efforts of Chuck McLaughlin and Eagle Scout Ryan Kolb. The goal for the Memorial dedication is on Veterans' Day, November 11, 2016.

Commissioner Johnson thanked and appreciates the Fire and Police Departments for their service, and hopes that the world settles down.

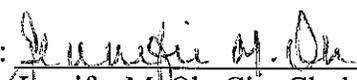
Commissioner Joffe echoed everything Commissioner Johnson and Mayor Troast said.

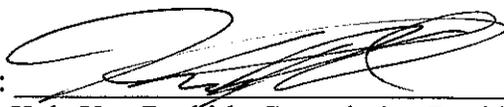
Commissioner Van Buskirk told the emergency personnel to stay safe.

**Adjournment:** There being no further business the meeting was adjourned at 8:44 p.m.

ATTESTED

APPROVED

By:   
Jennifer M. Oh, City Clerk

By:   
Kyle Van Buskirk, Commission President

